IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.103 of 2007
SUBODH SINGH
Versus
STATE OF BIHAR
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4. 7.8.2008. Heard learned counsel for the petitioner.

This Cr. Revision has been filed for setting aside the order dated 8.11.2006 passed by Fast Track Court-V, Begusarai in Sessions Trial No. 404 of 2000 thereby the petition filed by petitioner under Section 227 Cr.P.C. for discharge has been rejected.

Learned counsel for the petitioner relying upon a decision of this Court reported in 2006(2) PLJR 53 : Kumar Nand Kishore Singh v. the State of Bihar has submitted that there was no material in the case diary or specific allegation against this petitioner for framing of the charge..

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It is further submitted that Court below has not discussed the materials available against this petitioner in detail. It is next submitted that there is no allegation against this petitioner that he had assaulted the victim in any manner.

Considered the submission of learned counsel for the petitioner as well as the decision cited by him as also the allegation contained in the FIR.

On perusal of the FIR it appears that this

petitioner was also present at the time of commission of the offence having lathi in his hands.

In this view of the matter, so far as the ruling citied by learned counsel for the petitioner is concerned, under the facts and circumstances it is not applicable in this case.

Thus, having regard to the facts and circumstances of the case, this Cr. Revision is hereby rejected. Court below is directed to proceed with the trial.

kanchan **(Ghanshyam Prasad, J.)**

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